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Security Council

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Security Council Committee established pursuant to resolution 1267 (1999)

Note verbale dated 23 April 2002 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Canada to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1267 (1999) concerning Afghanistan and, with reference to the note of 7 March 2002 from the Chairman of the Committee, has the honour to forward the national report of Canada, pursuant to resolution 1390 (2002) (see annex).

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Annex to the note verbale dated 23 April 2002 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee

Report of Canada on the implementation of Security Council resolution 1390 (2002)

Security Council resolution 1390 (2002) calls upon all States to report to the Security Council Committee established pursuant to resolution 1267 (1999) on how they have implemented the measures contained in paragraph 2 of resolution 1390 (2002). Canada has implemented all measures through legislative and regulatory instruments, as described below.

Paragraph 2(a) of resolution 1390 is implemented in Canada by way of the *United Nations Afghanistan Regulations* (the "Regulations"), which were made on November 10, 1999. Article 4 of those Regulations effectively requires the freezing by persons in Canada and Canadians outside Canada of the assets of the Taliban, as designated by the Committee. The Regulations were amended on February 22, 2001 to implement resolution 1333 and freeze the assets of Usama bin Laden or his associates, as designated by the Committee.

Canada made the *United Nations Suppression of Terrorism Regulations* on October 4, 2001. Article 3 of these Regulations prohibits the provision or collection of funds to or on behalf of persons listed by the Committee or by the Government of Canada where it has reasonable grounds to believe that persons are associated with terrorist activity. These Regulations also impose a reporting requirement to law enforcement authorities on designated persons' assets.

Paragraph 2(b) of resolution 1390 has been implemented through the operation of paragraph 19(1)(f) of the *Immigration Act* which provides that persons who are involved in terrorism or members of terrorist organizations shall not be granted admission to Canada. On that basis, all persons listed by the Committee cannot be granted admission to Canada. In addition, paragraph 19(1)(l) provides that persons who are or were senior officials in the service of a government that is or was engaged in terrorism or systematic or gross human rights violations shall not be granted admission to Canada. The Taliban regime was designated accordingly.

Paragraph 2(c) of resolution 1390 has been implemented through Article 4 of the *United Nations Suppression of Terrorism Regulations*, which prohibits dealing in the property of a listed person (which includes those persons listed by the Committee), entering into any transaction with a listed person, and making any property available to a listed person. This prohibits the provision of arms and related materiel to those listed by the Committee.

In addition, paragraphs 4.2 to 4.4 of the *United Nations Afghanistan Regulations* prohibit the supply of arms and technical military assistance to any person in territory designated by the Committee as being controlled by the Taliban. Canada also has in place system of strict control over the import, export and internal possession of firearms and military weapons and explosives through the Export and Import Permits Act and the Criminal Code of Canada.